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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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JULIUS E. McNEIL, a married woman, and, ANGELA R. McNEIL, a married man, on behalf of self, marital community and as Guardian of MARCELL S.A. McNEIL, a minor,

                  Plaintiffs,

    vs.

ROSE ART, INC., believed to be a New Jersey corporation; ABC CORPORATIONS 1-10, believed to be the parent corporation(s) of Rose Art, Inc.; and ABC CORPORATIONS 11-20, believed to be wholly owned subsidiaries of Rose Art, Inc.,

         Defendants.

Case No. C06-5165 JCC

**STIPULATED MOTION TO SEAL FILE AND AGREED ORDER**

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**STIPULATION**

COME NOW the undersigned parties and respectfully request that Court seal the Petition for Approval of Minor Settlement, Report of the Guardian ad Litem, and Order Approving Minor Settlement, and any other document containing reference to the settlement amount and/or distribution allocation in the above-referenced file.  This case arises out of the

STIPULATED MOTION TO SEAL FILE
AND AGREED ORDER - 1

1   injuries to a minor child.  The case has settled and the parties have agreed that these court files

2   be sealed.

3       This case did not proceed through discovery or substantive motions, and so, materials

4   related to liability issues are not contained in these files.  The information contained in these

5   files concerns the injuries to the child, which should remain private, and it is important to the

6   plaintiffs that the Petition for Approval of Minor Settlement, Report of the Guardian ad Litem,

7   Order Approving Minor Settlement, and any document referencing the settlement amount or

8   distribution allocation remain confidential for obvious reasons.  The public interest would not

9   be served by disclosing this private information because:

10      1.      The materials in these files are made up of documents normally protected by

11  physician-patient privilege that would normally be exempt from public review;

12      2.      Sealing the record is necessary to fulfill the strong public policy of encouraging

13  settlements because the parties bargained for, and agreed to, confidentiality as a material

14  element of the settlement;

15      3.      The materials sought to be sealed do not contain substantive information that

16  will assist others in similar litigation;

17      4.      Disclosure of the settlement terms, settlement amount, medical information,

18  personal and financial information regarding the child, distribution allocation, and other

19  materials will not serve the public interest; and

20      5.      Confidentiality of the settlement terms and private information in this matter

21  outweighs any other person's or entity's need to know.

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STIPULATED MOTION TO SEAL FILE
AND AGREED ORDER - 2

DATED this _____ day of _____, 2006.

OSBORN MACHLER                                OGDEN MURPHY WALLACE


By_____        By_____
Simeon J. Osborn, WSBA #14484            D. K. Yoshida, WSBA #_____
Attorney for Plaintiffs                           Attorney for Defendant Rose Art
                                                        Industries, Inc.

WILLIAMS KASTNER & GIBBS


By _____
Jeffrey R. Johnson, WSBA #_____
Attorney for Defendant Mega Bloks, Inc.


## ORDER

Based upon the foregoing stipulation, IT IS ORDERED that the Petition for Approval

of Minor Settlement, Report of the Guardian ad Litem, Order Approving Minor Settlement and

any documents referencing settlement terms or distribution allocation shall be filed under seal,

and the Clerk of the Court is instructed to do so and keep these pleadings and documents under

seal.

DATED THIS 17th day of November, 2006.


_____
UNITED STATES DISTRICT JUDGE


STIPULATED MOTION TO SEAL FILE
AND AGREED ORDER - 3